



ATTORNEY DOCKET NO. 03131466 #13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
J. Alfonso, et. al.

Serial No.: 09/527,291

Filing Date: March 17, 2000

For: PARTICLE FILLED RESINOUS
PRODUCT OF IMPROVED APPEARANCE

) Group Art Unit: Mary Lynn F. Thiesen

) /

) Examiner: 1732 RECEIVED

) /

MAR 22 2004

OFFICE OF PETITIONS

) /

Box RESPONSE FEE
Assistant Commissioner Of Patents
Washington, D.C. 20231

**PETITION FOR RECONSIDERATION OF THE HOLDING OF UNINTENTIONAL
ABANDONMENT UNDER 37 C.F.R. 1.181; 37 C.F.R. 1.137(b)**

Dear Sir:

Applicant hereby petitions, in accordance to 37 C.F.R. 1.181 and 1.137(b), that the holding of abandonment be withdrawn from the patent application referenced above.

The abandonment of this application was unintentional and Applicant submits a service fee of \$1,330.00.

Applicant advises the Patent Office that they never received of the Letter of Non-Compliance mailed on October 15, 2002. This letter was forwarded to an incorrect address apparently of prior counsel (See Tab A) and the undersigned never received a copy of this letter despite the fact that a Revocation and Appointment of Power of Attorney noting the correct address was filed on September 27, 2002 and acknowledged by the Office. (See Tabs B and C)

The following background information shows that the abandonment of this application was unintentional.

The prosecution of this application was originally being handled by the law firm of Browdy & Neimark. In late February, 2002, the undersigned attorney received a telephone call from Examiner Adam Harris. Examiner Harris indicated that he understood from a conversation with the Browdy & Neimark firm that the above-referenced application was being transferred from their firm and that the undersigned was to now be the attorney of record for the application. The undersigned indicated to Examiner Harris that she had not yet received any instructions to take over prosecution of the application, had not yet received the file from the soon-to-be former law firm of Brody & Neimark. The Examiner noted that certain claims would be allowable if amended. The undersigned indicated that she did not yet have the application file but that once she received the file and had reviewed the proposed amendment with the applicant, she would respond to the Examiner. Examiner Harris again contacted the undersigned on March 8, 2002 to discuss the amendment to the application. The undersigned informed Examiner Harris that she was attempting to locate the inventors to discuss any proposed amendment but had been unsuccessful in locating the inventors.

The undersigned filed a revocation and new power of attorney indicating the new correspondent address. (See Tab B). The new power of attorney was acknowledged and accepted by the USPTO. (See Tab C).

The undersigned subsequently contacted Examiner Harris in September, 2002 to agree to the Examiner's proposed amendment to the claims. Examiner Harris indicated

that he had issued an Office Action on April 2, 2002 after their previous March 8, 2002 conversation, but then noted to the undersigned that he had mailed the Office Action to the prior attorneys of record. The undersigned indicated that she had not been forwarded a copy of the Office Action by the prior firm and requested a copy from Examiner Harris. During the undersigned's conversation with the Examiner, the Examiner mentioned that given that the 6 month time for response was quickly approaching, there was the possibility that a Notice of Abandonment might issue before the undersigned received a copy of the Office Action and could file a response, and that the applicant may also have to file a Petition to Withdraw the abandonment.

On September 27, 2002, the undersigned attempted to contact Examiner Harris again to request a copy of the previously sent April 2, 2002 Office Action. The undersigned was advised that Examiner Harris was no longer employed as an Examiner and that the case was transferred to Examiner Mary L. Theisen. Examiner Theisen was contacted and provided a copy of the April 2, 2002 Office Action to the undersigned's office via facsimile on September 27, 2002.

On October 2, 2002, the final day of the 6th month extended response period, the undersigned filed an amendment and response to the April 2, 2002 Office Action, along with the Petition for Three Month Extension and applicable fee.

The next correspondence which the undersigned received from the Office was a Notice of Abandonment. Based on the undersigned's discussion with the prior Examiner regarding this case and the fact that the response was filed on the final day of the 6th month response period, it was believed that a Notice of Abandonment was issued because the Office did not receive the response to the April 2, 2002 office action.

When the Notice of Abandonment was received the undersigned filed a Petition to Request Withdrawal of the Holding of Abandonment Under 37 C.F.R.1.181 and re-submitted the response to the office action previously filed on October 2, 2002 which was believed to be the reason for the Notice of Abandonment.

We are now aware that the Notice of Abandonment related to a October 15, 2002 letter of non-compliance which our office did not receive. As evidenced by the October 15th letter (attached at Tab A), the October 15, 2002 letter was forwarded to Deborah Schavey Ruff, Attorneys at Law, **624 Ninth Street NW, Suite NW, Washington, D.C. 2001-5303**. This is not the undersigned's correct address. The undersigned's correct address appears on the Revocation and New Power of Attorney document filed on September 27, 2002 and the acknowledgement of receipt of change in correspondent attorney by the Office (See Tabs B and C).

Therefore, Applicant respectfully submits that the abandonment of this application was unintentional, and respectfully requests that their Petition for Reconsideration be granted.

Submitted along with this Petition, is the response to the Letter of Non-Compliance, a service fee of \$950.00 for the three month extension of time, and the \$1,330.00 fee for this Petition.

The Commissioner is authorized to charge any additional fees or credits directly
to our deposit account 13-0019.

Respectfully submitted,

By: 
Deborah Schavey Ruff
Reg. No. 33,770

MAYER, BROWN, ROWE & MAW LLP
P.O. Box 2828
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(312)-701-8601

Date: 3-11-2004



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,291	03/17/2000	Jorge Alfonso	Alfonso=1B	3794
7590	10/15/2002			

Deborah Schavey Ruff
Attorneys at Law
624 Ninth Street NW
Suite NW
Washington, DC 20001-5303

EXAMINER	
THEISEN, MARY LYNN F	
ART UNIT	PAPER NUMBER
1732	

DATE MAILED: 10/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



Attorney Docket No. 02969924

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: J. Alfonso, et. al.

Serial No: 09/527,291

Filing Date: March 17, 2000

For: PARTICLE FILLED RESINOUS
PRODUCT OF IMPROVED APPEARANCE

) Examining Attorney:
Adam R. Harris

) Law Office: 1732

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"Express Mail" mailing label number EV113372635US
Date of Deposit _____
I hereby certify that this paper or fee is being deposited
with the US. Postal Service "Express Mail Post Office
to addressee" under 37 CFR 1.10 on the date indicated
above and is addressed to: Assistant Commissioner for
Patents, Washington, D.C. 20231

Timothy Hubalk

REVOCATION AND APPOINTMENT OF POWER OF ATTORNEY

Commissioner For Patents
Washington, D.C. 20231

Sir:

Formica Corporation, the owner by assignment, of the above-identified patent,
hereby revokes all previous Powers of Attorney and appoints Deborah Schavey Ruff
(Reg. No. 33,770), Douglas M. Eveleigh (Reg. No. 43,426), Joseph A. Mahoney (Reg.
No. 38,956), Christine M. Rebman (Reg. No. 50,546), Robert S. Rigg (Reg. No.
36,991), Donald W. Rupert (Reg. No. 29,974), Daniel H. Shulman (Reg. No. 45,106),
Richard A. Speer (Reg. No. 17,930), Thomas R. Stiebel (Reg. No. 48,682), Wayne L.
Tang (Reg. No. 36,028), David M. Thimmig (Reg. No. 36,034), and Michael O.
Warnecke (Reg. No. 24,345), all of the law firm of Mayer, Brown, Rowe, & Maw, located

at 190 South LaSalle Street, Chicago, Illinois 60603-3441, jointly and each of them separately, as its attorneys and attorney, with full power of delegation, substitution and revocation to transact all business in the Patent and Trademark Office connected herewith.

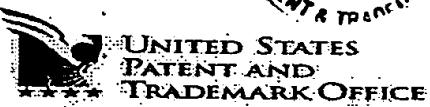
Please address all further correspondence and telephone calls in this application to:

Deborah Schavey Ruff
email: druff@mayerbrownrowe.com
Phone: (312) 701-8601- Facsimile: (312) 701-9153

Signed in the City of Waukesha, the State of New Jersey, this
20 day of September 2002

BY:

Earl M. Bennett
NAME: Earl M. Bennett
TITLE: Vice President



O P E S C I
MAR 18 2004
PATENT & TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/527,291	03/17/2000	Jorge Alfonso	Alfonso=1B

Deborah Ruff
Mayer, Brown, Rowe & Maw
190 South LaSalle Street
Chicago, IL 60603-3441

CONFIRMATION NO. 3794



OC000000009035876

Date Mailed: 10/31/2002

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/27/2002.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Nicole Hensley
NICOLE LOVE HENSLEY
1700 (703) 308-8657

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